

2007 Trafficking in Persons Report

DEMOCRATIC REPUBLIC OF THE CONGO (Tier 2)

The Democratic Republic of the Congo is a source country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. The majority of known trafficking occurs within the country's unstable eastern provinces, by armed groups outside government control. Indigenous and foreign armed groups, notably the FDLR (Rwandan Hutus), continue to abduct and forcibly recruit Congolese men, women, and children to serve as laborers (including in mines), porters, domestics, combatants, and sex slaves, although at a much reduced rate from previous years. In 2006 and early 2007, troops loyal to a renegade Congolese general reportedly recruited an unknown number of Congolese children for soldiering from refugee camps in Rwanda. There were reports of Congolese children prostituted in brothels or by loosely organized networks, some of whom were exploited by Congolese national army (FARDC) forces. An unknown number of unlicensed miners remain in debt bondage to dealers for tools, food, and supplies. Congolese women and children are reportedly trafficked to South Africa for sexual exploitation.

The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Replacing a transitional government that had been in place since June 2003, an elected government took office following 2006-07 presidential, parliamentary, and provincial elections. To further actions against trafficking, the government should continue efforts to demobilize all remaining child soldiers; enact anti-trafficking laws; and arrest and prosecute traffickers, particularly those who use child soldiers or utilize forced labor. Kanyanga Biyoyo, a rebel commander convicted of unlawfully recruiting child soldiers, escaped from jail shortly after his early 2006 conviction; he should also be rearrested and incarcerated for his full prison sentence.

Prosecution

The country's criminal and military justice systems - including the police, courts, and prisons - remain decimated from years of war and there are few functioning courts or secure prisons in the country. Existing laws do not prohibit all forms of labor trafficking. In July 2006, the transitional government enacted a sexual violence statute (Law 6/018) that specifically prohibits and provides penalties of 10 to 20 years' imprisonment for child and forced prostitution, pimping, and trafficking for sexual exploitation; most judicial and law enforcement authorities have yet to receive copies of this statute. In addition, the new constitution, promulgated in February 2006, forbids involuntary servitude and child soldiering. Despite these advances, there were no reported investigations or prosecutions of traffickers during the year. After an NGO investigation revealed brothels in South Kivu, the government subsequently ordered them closed. During the reporting

period, the transitional government, in coordination with the UN Mission to the Congo (MONUC), reached integration agreements with Ituri District militias, renegade General Laurent Nkunda in North Kivu, and local defense groups in North Kivu, South Kivu, and Katanga that included provisions for the demobilization of child soldiers; some of these groups failed to fulfill their signed commitments and continued recruiting children, but FARDC lacks the capacity to forcibly demobilize or repatriate them. The government and MONUC provided numerous training sessions during the year to police and military personnel on sexual violence and child soldiering prohibitions.

Protection

The national demobilization agency, CONADER, and the Ministry of Defense worked closely during the year with NGOs to demobilize and reintegrate children associated with armed groups. When such groups disarm and are integrated into the FARDC, CONADER identifies and separates out children and transports them to NGO-run centers for temporary housing and vocational training. Over 13,000 child soldiers were demobilized in 2006; fewer than 4,000 remain with armed groups out of an estimated total of 33,000 in 2004. As the 2006 budget included no appropriation for social services of any kind in the country, NGOs provided legal, medical, and psychological services to trafficking victims, including child soldiers and children in prostitution. The government does not generally penalize victims of trafficking for unlawful acts committed as part of their being trafficked, but does not encourage victims of trafficking to assist in the investigation and prosecution of their exploiters.

Prevention

The majority of the government prevention efforts during the reporting period focused on disseminating messages against child soldiering. Using radio and television messages, posters, flyers, and t-shirts, in 2006, CONADER conducted extensive public education campaigns that informed the military that child soldiering is illegal, and attempted to dissuade children from joining armed groups and convince families and communities to reintegrate demobilized children. Working with NGO partners, the Ministry of Justice began designing a campaign to educate the public about the new law against sexual violence. In June, the transitional government created the National Committee to Combat the Worst Forms of Child Labor; though the committee held several meetings, it did not begin to fulfill its mandate.